

EXHIBIT H

From: [John Ryan](#)
To: [Jon Kelley](#); [Jeremy Fielding](#); [Rebecca Adams](#)
Cc: [Nathan Wilcox](#); [LPCH Aptive](#)
Subject: RE: Village of East Rockaway's Solicitation Ordinance
Date: Wednesday, June 5, 2019 7:24:12 AM

If such an ill-advised lawsuit is filed, the Village will seek sanctions. This e-mail will be added as an Exhibit to the motion I am preparing in the Floral park matter.

John E. Ryan, Esq.
RYAN, BRENNAN & DONNELLY LLP
131 Tulip Avenue
Floral Park, New York 11001
(516) 328-1100
(516) 354-0814 (FAX)
E-MAIL: jryan@rbdllp.net

CONFIDENTIALITY NOTICE

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

From: Jon Kelley <jkelly@lynnllp.com>
Sent: Tuesday, June 04, 2019 7:16 PM
To: Jeremy Fielding <jfielding@lynnllp.com>; John Ryan <JRyan@RBDLLP.net>; Rebecca Adams <radams@lynnllp.com>
Cc: Nathan Wilcox <n.wilcox@goaptive.com>; LPCH Aptive <LPCHActive@lynnllp.com>
Subject: RE: Village of East Rockaway's Solicitation Ordinance

John,

We have not received any response as to whether East Rockaway will suspend the solicitation restrictions challenged in our letter of May 20. As we have explained time and again, a lawsuit is always our last resort. We would far prefer to simply work through this issue with the Village, and find some mutually agreeable solution that might protect our first amendment freedoms while allowing the Village the time it needs to amend its ordinance. But the Village has neither agreed to amend its ordinance or suspend its enforcement through an interim agreement, and we can wait no longer while it continues to enforce an unconstitutional ordinance.

Accordingly, Aptive intends to file a lawsuit and a TRO against East Rockaway this *Thursday June 6th* unless we receive your written confirmation by tomorrow at noon EST that the Village will immediately suspend enforcement of 1) its 5:00 p.m. solicitation curfew; 2) its \$2,500 bond requirement; and 3) its unconstitutional licensing process.

Absent such confirmation, Aptive will promptly file a lawsuit and TRO against East Rockaway on Thursday the 6th in the Eastern District of New York, seeking an injunction enjoining the above provisions of Section 171 of the Village code. Please be advised that if Aptive is forced to file this lawsuit and the Village later elects to repeal the offending provisions of its ordinance, Aptive will

not agree to settlement of this matter without the Village paying the legal fees Aptive incurs in the filing of the lawsuit.

Thanks,
Jon

JON KELLEY, Attorney
Lynn Pinker Cox & Hurst
2100 Ross Avenue, Suite 2700
Dallas, Texas 75201
lynnllp.com

Direct 214 981 3823
jkelley@lynnllp.com

Benchmark Litigation - Top 10 Litigation Boutiques in America - 2017

From: Jeremy Fielding <jfielding@lynnllp.com>
Sent: Tuesday, May 21, 2019 10:31 AM
To: John Ryan <JRyan@RBDLLP.net>; Rebecca Adams <radams@lynnllp.com>
Cc: Nathan Wilcox <n.wilcox@goaptive.com>; LPCH Aptive <LPCHAptive@lynnllp.com>
Subject: Re: Village of East Rockaway's Solicitation Ordinance

What's the best number?

JEREMY FIELDING, Partner
Lynn Pinker Cox & Hurst
2100 Ross Avenue
Suite 2700
Dallas, Texas 75201
lynnllp.com

Direct 214 981 3803
Cell 972 832 8630
jfielding@lynnllp.com

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Lynn Pinker Cox & Hurst, LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail, and destroy this communication and all copies thereof, including all attachments.

Benchmark Litigation - Top 10 Litigation Boutiques in America

From: John Ryan <JRyan@RBDLLP.net>

Date: Tuesday, May 21, 2019 at 6:31 AM

To: Jeremy Fielding <jfielding@lynnllp.com>, Rebecca Adams <radams@lynnllp.com>

Cc: Nathan Wilcox <n.wilcox@goaptive.com>, LPCH Aptive <LPCHAptive@lynnllp.com>

Subject: RE: Village of East Rockaway's Solicitation Ordinance

ok

John E. Ryan, Esq.
RYAN, BRENNAN & DONNELLY LLP
131 Tulip Avenue
Floral Park, New York 11001
(516) 328-1100
(516) 354-0814 (FAX)
E-MAIL: jryan@rbdllp.net

CONFIDENTIALITY NOTICE

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

From: Jeremy Fielding <jfielding@lynnllp.com>

Sent: Monday, May 20, 2019 10:50 PM

To: John Ryan <JRyan@RBDLLP.net>; Rebecca Adams <radams@lynnllp.com>

Cc: Nathan Wilcox <n.wilcox@goaptive.com>; LPCH Aptive <LPCHAptive@lynnllp.com>

Subject: Re: Village of East Rockaway's Solicitation Ordinance

John:

I can call you tomorrow afternoon. How about 3pm EST?

JEREMY FIELDING, Partner
Lynn Pinker Cox & Hurst
2100 Ross Avenue
Suite 2700
Dallas, Texas 75201
lynnllp.com

Direct 214 981 3803
Cell 972 832 8630
jfielding@lynnllp.com

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Lynn Pinker Cox & Hurst, LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail, and destroy this communication and all copies thereof, including all attachments.

Benchmark Litigation - Top 10 Litigation Boutiques in America

From: John Ryan <JRyan@RBDLLP.net>

Date: Monday, May 20, 2019 at 2:29 PM

To: Rebecca Adams <radams@lynnllp.com>

Cc: Nathan Wilcox <n.wilcox@goaptive.com>, Jeremy Fielding <jfielding@lynnllp.com>, LPCH Aptive <LPCHAptive@lynnllp.com>

Subject: RE: Village of East Rockaway's Solicitation Ordinance

Please have Mr. Fielding call me.

John E. Ryan, Esq.
RYAN, BRENNAN & DONNELLY LLP
131 Tulip Avenue
Floral Park, New York 11001
(516) 328-1100
(516) 354-0814 (FAX)
E-MAIL: jryan@rbdllp.net

CONFIDENTIALITY NOTICE

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

From: Rebecca Adams <radams@lynnllp.com>

Sent: Monday, May 20, 2019 3:26 PM

To: John Ryan <JRyan@RBDLLP.net>

Cc: Nathan Wilcox <n.wilcox@goaptive.com>; Jeremy Fielding <jfielding@lynnllp.com>; LPCH Aptive <LPCHAptive@lynnllp.com>

Subject: RE: Village of East Rockaway's Solicitation Ordinance

Mr. Ryan,

In light of the unconstitutional portions of the statute outlined in Mr. Fielding's letter, he does believe that it is necessary for East Rockaway to amend its ordinance. To assist in this process, I've attached a model ordinance that we suggest for the Village's amendment.

Aptive understands that the amendment process can take time. Because Aptive's selling season has already begun, the timing of this issue matters a great deal to our client. For that reason, we ask that the Village execute the attached Interim Agreement no later than June 1st so Aptive can avoid incurring any additional lost profits and the Village can take the time it needs to consider an amendment. Please let us know if you have any questions or comments about the draft agreement.

Thank you,
Rebecca

REBECCA ADAMS | Attorney

LynnPinkerCoxHurst

Direct 214 981 3807

Fax 214 981 3839

radams@lynnllp.com

From: John Ryan <JRyan@RBDLLP.net>

Sent: Monday, May 20, 2019 1:56 PM

To: Rebecca Adams <radams@lynnllp.com>

Cc: Nathan Wilcox <n.wilcox@goaptive.com>; Jeremy Fielding <jfielding@lynnllp.com>; LPCH Aptive <LPCHAptive@lynnllp.com>

Subject: RE: Village of East Rockaway's Solicitation Ordinance

I am the Village Attorney for East Rockaway. Based on my experience with your firm as Village Attorney for Floral Park, I could recommend to the East Rockaway Trustees that they amend their Code the same way Floral Park, Bellerose and other Villages in New York have in response to the same letters sent to them by your firm. I am requesting that Mr. Fielding advise whether he thinks that will be necessary.

John E. Ryan, Esq.
RYAN, BRENNAN & DONNELLY LLP
131 Tulip Avenue
Floral Park, New York 11001
(516) 328-1100
(516) 354-0814 (FAX)
E-MAIL: jryan@rbdllp.net

CONFIDENTIALITY NOTICE

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

From: Rebecca Adams <radams@lynnllp.com>

Sent: Monday, May 20, 2019 2:34 PM

To: John Ryan <JRyan@RBDLLP.net>

Cc: Nathan Wilcox <n.wilcox@goaptive.com>; Jeremy Fielding <jfielding@lynnllp.com>; LPCH Aptive <LPCHAptive@lynnllp.com>

Subject: Village of East Rockaway's Solicitation Ordinance

Mr. Ryan,

Please see the attached correspondence from Jeremy Fielding regarding the Village of East Rockaway's solicitation ordinance.

Thank you,
Rebecca

REBECCA ADAMS | Attorney

LynnPinkerCoxHurst

Direct 214 981 3807

Fax 214 981 3839

radams@lynnllp.com

2100 Ross Avenue, Suite 2700

Dallas, Texas 75201

www.lynnllp.com

Benchmark Litigation – Top 10 Litigation Boutiques in America – 2017

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Lynn Pinker Cox & Hurst, LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail, and destroy this communication and all copies thereof, including all attachments.

CONFIDENTIALITY NOTICE This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

CONFIDENTIALITY NOTICE This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

CONFIDENTIALITY NOTICE This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your

email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

CONFIDENTIALITY NOTICE This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

CONFIDENTIALITY NOTICE This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

CONFIDENTIALITY NOTICE This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

CONFIDENTIALITY NOTICE This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.

CONFIDENTIALITY NOTICE This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately at generalinfo@rbdllp.net and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by anyone other than the intended recipient is strictly prohibited and may be unlawful.